

IS THEO. H. DAVIES GUILTY?

He Is Advised to Read Up on the Sedition Law.

HIS ACTS SEVERELY SCRUTINIZED.

W. N. A. Writes a Strong Indictment Against the Ex-Queen's Champion—His Words Compared with the Words of the Statute.

In referring to our calm review of the Daviesian literature, which merited and received, under the present circumstances of our political affairs, the most sober, conscientious and just consideration, as we believed, Mr. Davies sends to us these severe words: "In fact, the only serious statement that your 'W. N. A.' makes is when he gives himself away and you away by writing, for the purposes of this review we shall answer that they (Mr. Davies' propositions), are correct and cannot be gainsayed."

We regret that our very sober and conscientious review of Mr. Davies' literature is not sufficiently serious. We will now make another attempt, which, with the aid of the Attorney-General, if he will give it, may convince Mr. Davies that we can, and this community can, be very serious. Mr. Davies will please follow us closely, and it might be well for him to ask his attorney to spell it out with him. Lawyers are useful persons in such matters. We will cite a law which was taken from the English statute on the subject:

"An Act concerning seditious offences. Approved Jan. 30, 1893.

"Section 1. Everyone commits a misdemeanor who publishes, verbally, any words or any document with a seditious intent."

"Sec. 3. A seditious intention is an intention to bring into hatred or contempt, or to excite disaffection against the Provisional Government of the Hawaiian Islands, or the laws thereof, or to excite the people to attempt the alteration by force of any matter established by the laws of the Provisional Government, or to raise discontent and disaffection against the Provisional Government, or to promote feelings of ill-will and hostility between different classes of people in the Hawaiian Islands.

"Sec. 5. Any person guilty of any misdemeanor within the meaning of this Act, shall be punished by imprisonment at hard labor for not more than two years, or by fine of not more than \$1000."

The following are extracts from Mr. Davies' letters, published from time to time during the last year, and republished on Jan. 25, 1894. They are not, therefore, to be regarded as views which were believed to be correct at the time, but have now no force and effect, but they are, in fact and law, re-affirmations of former opinions, and if seditious in intent, are to be regarded as fresh utterances of a late date.

Mr. Davies informs us that the one object for which he "entered the lists was the defeat of annexation, by the preservation of Hawaiian independence." There is no "disaffection against the Provisional Government" in opposing its policy of annexation, and we have therefore, confined the extracts to those words only, which have no reference directly to annexation, but tend directly to excite "discontent and disaffection" towards the Government by reason of its overthrow of the monarchy. The words and the statute should be read in connection.

On page 4 of the pamphlet, referring to the establishment of the Provisional Government, Mr. Davies says: "I say that judged as acts only, they constitute a moral and political crime."

Do not these words disclose an intent to "excite discontent and disaffection?"

On page 6, he says: "Every true Hawaiian is bound to defend that throne and flag against all assailants except the Hawaiian people." These are words which excite the people, not to oppose annexation but to restore the throne and defend it. Do they not excite discontent and disaffection?

On page 16, he says: "My hope is, that under the just counsel of the United States, that they (the P. G.) will retrace their steps to the point where they parted from the constitution, that they will enter into a new compact with the old sovereign or the new one," etc. Do not these words excite "discontent and disaffection?"

On page 23, he quotes from an article in the N. Y. Times, and approves of it, in which it is said regarding annexation, "but in point of fact, it is a proposition to convey and make over to the United States a stolen kingdom, and the Government of this Republic cannot afford to put itself in the position of a receiver of stolen goods."

Do not these words excite "discontent and disaffection?"

On page 61, dated January 6th, 1894, he says to Mr. Bishop: "You have no right to steal a corrupt monarchy, any more than you have a right to steal a Bible. I believe I gave you an opportunity once before to prove that you did not steal a kingdom" (the "you" referring to the supporters of the Government.)

Do not these words excite "discontent and disaffection against the Provisional Government?"

On page 24, he says: "the present Government is not the Government of the people nor of the constitution."

Do not these words excite "discontent and disaffection?"

On page 35, he says: "every conviction tells us that a government of law and order, cannot rest upon the basis of the acclamation of a mass meeting."

much uglier word to define the act of those so-called Hawaiians who invited the 'fraud and force.'"

Do not these words excite "discontent and disaffection" against the Provisional Government?

The extracts above cited do not cover all of the language used by Mr. Davies which is intended to excite discontent with the Government. The language is plain and unambiguous. It might be instructive for him to read over his words and the statute, with the aid of his attorney.

When a Government has established itself, it must protect itself, whether it is an hour or a century old. It can tolerate no question about its title. Mr. Davies is presumed in law to know this. If he does not, it is time that he and others had some "object lessons." He felt safe, undoubtedly, to excite discontent so long as the Government and its friends believed, rightly or wrongly, that it might crumble under the American guns. In its peril, he attacked it persistently. Neither his own Minister, or the English warships, will protect him against an offense which all States regard as a very serious matter.

In a defence to an indictment for using seditious language, Mr. Davies may follow the example of the editor charged with libel. He answered that no damage arose because "he was such a liar that no one believed him." Mr. Davies may plead that it was not in his power to excite discontent against the Government.

We have made frantic efforts to be serious in this matter, but if we have only indulged in "hygienic hilarity," in construing his language and that of the statute regarding seditious offenses, we respectfully invite him to call the attention of the Attorney-General to the subject—the same person who invited Mr. Davies to visit the Executive Building, last week, on a trifling matter, and was treated by Mr. Davies as if he was a small boy who had sold him an ancient newspaper.

If Mr. Davies has violated any law, he should be, and with his distressing "sense of honor and duty," (page 35) will be, the first to cordially invite the prosecuting officer, to consider his case, and if there is probable cause, take efficient means to vindicate the law. If Mr. Davies should be found guilty, no one will submit to the penalty of the offence, with more satisfaction and humility than he, who would prefer to remain in chains for a thousand years on the "reef," rather than one jot or tittle of the divine or human law should remain unfulfilled.

W. N. A.

THE MARSHAL RETURNS.

Reports Everything Going on Well in the Country.

(From Wednesday's Daily)

Marshal Hitchcock returned from Kona on the Hall last night and reports everything as going on well in that district. The coffee is looking finely. There is a great deal of talk in the country districts about the Road Board law. The political feeling is good and very encouraging. The natives are very indignant at the bloodthirsty disposition manifested by Liliuokalani. The white residents are much pleased at the attitude maintained by the Provisional Government.

The reason why the Hall arrived last night instead of this morning, as was expected, is that the tide at Lahaina was so low that she could not load sugar. The harbor there is filling up.

In the matter of the successor to Judge Haili, the Marshal reports that there are half a dozen applicants. The natives about all want it. He thinks, however, that he will be able to recommend a satisfactory man.

WITH A SICKLE.

A Native Attempts to Carve People in Kona.

Just before Marshal Hitchcock's recent visit to Kona, a native man of that district, who was very jealous of another native, attended a luau where "swipes" formed the main article of diet. When the jealous husband had become quite a little under the influence of the seductive liquor, he secured a sickle and started in to clean out the premises. One of the women present attempted to take the sickle from him, but he escaped from her, and with the sharp instrument cut a long gash in the cheek of the woman's little daughter. He then hunted up the man whom he suspected of winning his wife's affections, and proceeded to carve him also. He was arrested, and the Marshal arriving on the scene, conducted the prosecution. Owing to the man's state at the time of the cutting, he was only given three months in jail.

A Chinese Leper.

A Chinese leper named Ah Yong was found on board the bark Velocity by the police yesterday afternoon. The Chinaman together with his effects were brought to the Police Station and afterwards sent to the Kalihi Receiving Station. He said he came from Huleia, Waialua, last week, and stayed at the house of a friend in this city. Yesterday he went on board the Velocity intending to leave the country for the country's good.

London bridge is daily crossed by 200,000 pedestrians and 20,000 vehicles.

KILAUEA'S WONDERS INCREASED.

Madame Pele Is More Active Than in Eighteen Years.

THE VIEW FROM THE VOLCANO HOUSE.

A Letter From Captain Julius A. Palmer, the Special Correspondent of the Boston Transcript, Describing Hawaii's Wonders as it Appears to Him

MR. EDITOR:—It is not probable that to one so experienced as your good self I can say anything new of this Volcano, one of the greatest natural wonders of the earth. Although I went up on the side where the road is the roughest, yet there was no excessive weariness attending the journey. We left the sugar mills at about 9 o'clock in the morning and arrived at the hotel about half-past 4 in the afternoon, having an hour's rest and an excellent lunch at the Half-way House. In reaching the Volcano House, I could but think of those lines of Shensone, which perhaps you will recall:

"Who'er has traveled life's dull road, where'er his stages did begin, May sigh to think he still has found the warmest welcome at an inn."

Before speaking of the crater, let me say that the hotel far surpassed my expectations; its high, bold position, airy rooms, superb views, pretty flower gardens, absence of mosquitoes, and more than all, its genial, accommodating host, Mr. Peter Lee, render it a delightful mountain house, were there no other attractions. To you these luxurious surroundings must form a notable contrast to the days when you had to carry your entire stock of provisions, economize in water and camp in grass huts. The pristine purity of the atmosphere, the delicious refreshment of the vapor baths, should commend the place to those who visit your island paradise in search of health; I can scarcely imagine an ailment which would not be cured by a few weeks' sojourn at the Volcano House on Hawaii.

But the great marvel of Kilauea! I shall not attempt a description of it to one who knows it so much better than I; you asked particularly of its present condition, and you have well remarked that no two occasions does it appear identically the same. So now, Mr. Lee tells me that in the eighteen years during which he has been familiar with it, he has never seen it as full as at the present time, and seldom as active. The lake or part of the crater which I should call the basin, seems to me like a huge caldron in which is boiling a mass of dough or hasty pudding; this caldron has been filled too full, so after seething and surging hither and thither, spouting upwards in its effort to escape the intense heat, it overflows its brim, and pours out a sheet of molten brass over the edge, naturally hardening as it recedes from the fervid source of supply. These flows are so frequent, so voluminous, and extend to so long a distance from the fiery lake that it is considered more prudent to content one's self with a view from the high bluff or from the hotel, especially at night; indeed, if one desires rest rather than adventure, there is no necessity in the present condition of the lake of leaving your comfortable room, since the surface is so high that from your window, you can see the fire-fountains play, and even distinguish the red-hot balls or showers of sparks into which they burst after reaching their highest altitude. By day, with a competent guide we rode over the hardened lava, and those more venturesome went up by the side of some of the recently hardened flows and peered into the seething mass.

Before visiting the volcano, I could never understand why it was that even at the seasons of its greatest activity, Kilauea could be safely inspected by the tourist, which is true, I believe, of no other active volcano in the world. But once on the spot, the mystery vanishes; the hotel or other point of observation is above the dangerous center or vortex of fire, so that it might destroy miles of country, and yet the traveller at the Volcano House would not only be free from the least proximity to danger, but he might count himself fortunate in being on the scene, when Madame Pele was in her most violent fits of fiery rage.

As the length of my stay in the Hawaiian Islands is uncertain, I did not feel free to remain there but a very short time. The trip, however, if hurried as I was, should not be missed by any of your visitors, especially when it may be made in one week, including stoppages. Another thing, I was warned to delay it as late as possible on account of the rains. We had one severe experience with a heavy fall of water, otherwise no rain for the whole week. Beautiful weather at the House, the whole snow-clad slope of Mauna Loa visible most of the time. And as between rain and dust, I prefer the former, so, considering the great activity of the crater, the whole surface of which at night is a sheet of fire, I should advise all persons intending to go at all, not on any account to delay visiting Kilauea in its present condition.

Again thanking you for the privilege of reading your excellent accounts of your own experience there in the past, believe me,

Most cordially yours,

JULIUS A. PALMER, JR.,

Correspondent Boston Transcript.

The experience of Geo. A. Aggar, of German Valley, N. J. is well worth remembering. He was troubled with chronic diarrhoea and doctored for five months, and was treated by four different doctors without benefit. He then began using Chamberlain's Colic, Cholera and Diarrhoea Remedy, of which one small bottle effected a complete cure. It is for sale by all medicine dealers. Benson, Smith & Co., Agents for H. I.

A ROUGH TRIP.

Experience of the Galveston, 157 Days From Hongkong.

The German bark Galveston, after a long battle with wind and wave, was towed into port Tuesday afternoon. She was 157 days from Hongkong.

When the Galveston arrived, she had only a hundred pounds of rice left for her eleven Chinese passengers. The Chinamen all thought they were going to starve to death, and some of them had given up all hope of ever reaching port.

Captain Jacobsen, who was accompanied on his long voyage by his wife, said that after having been about a month at sea the ship struck hard weather, during which both the foremast and the bowsprit carried away. The captain put back into Amoy for repairs. After remaining there for a short time, she started on her long voyage for Honolulu. Again she struck bad weather, gale after gale playing havoc with her. First the bulwarks were stove in, then the forward part of the ship was more or less damaged. As a fitting climax to all the misfortunes, a heavy sea washed over the after deck and carried away everything movable. The cabin was filled with water and considerable damage was done.

The Chinese passengers were very much afraid that the ship was doomed. Offerings were made to their gods, and, in their opinions, that was all that saved them from utter annihilation. One of them, on landing, said, "We nearly 'make'; no more rice; two days more, we die."

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THE UNDERSIGNED HAVING been duly appointed Executors of the Will of Maurice Goldberg, late of Honolulu, Oahu, deceased, hereby give notice to all persons having claims against the Estate of the said Maurice Goldberg to present the same to the undersigned at their respective places of business in said Honolulu, daily until the 1st day of March, 1894, at which time and with the proper vouchers if any exist, whether secured by mortgage or otherwise, within six months from this date or they will be forever barred. All persons indebted to said Estate are requested to make immediate payment.

F. C. PORTER,

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Executors of the Will of Maurice Goldberg.

Honolulu, January 20, 1894.

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